

Court of Appeals, Division One

Criminal

1 CA-CR 19-0458

STATE v. BENITEZ

Appellate Case Information

Case Filed: 14-Aug-2019

Case Closed:

Dept/Composition

Department B

Hon. Jennifer M Perkins

Hon. David B Gass

Hon. Michael J Brown

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Michelle L Hogan, Esq. (AZ Bar No. 31490)

Side 2. BENNETT FRANCISCO BENITEZ, Appellant

(Litigant Group) BENNETT FRANCISCO BENITEZ

- Bennett Francisco Benitez

Attorneys for: Appellant

Jennifer Roach, Esq. (AZ Bar No. 24525)

CASE STATUS

Sep 28, 2020....Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2016-143212-001	See File	See File	Joseph P Mikitish, Sentencing	JURY	

OPEN DUE DATE

Supplemental Reply Brief due

Due By: Saturday, November 14, 2020

re: supplemental answering brief

Re: * ORDERED: Motion for Supplemental Briefing Re: State V. Arevalo (Appellant) = GRANTED and permitting the parties to file simultaneous supplemental opening and answering briefs on/before 10/15/2020. The supplemental briefs may only address Arevalo and any

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR
10-Nov-2020 Department B; CONFERENCE ROOM

CR Cases

79 PROCEEDING ENTRIES

- 14-Aug-2019 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/07/19. Notification to Court Reporters dated 08/13/2019.
- 20-Aug-2019 ORDERED: Appointing the Maricopa County Public Defender as counsel for Appellant. FURTHER ORDERED: Transcripts due 10/04/2019. Benjamin A Armstrong ProTem Judge - Author
- 27-Aug-2019 FILED: Reporter's Transcript - 04/10/2019 - Trial (Cindy Lineburg)
- 19-Sep-2019 FILED: Additional record on appeal, re: Exhibits H.D. 04/08/2019 List # 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 25 26 27 30 31 32 34 35 36 37 39 40 41 42 43 46 47 48 53 54 60 61 62 63 64 70 71 in a manila envelope. Confidential Criminal History Addendum in Sealed Manila Envelope
- 19-Sep-2019 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: #187 Exhibits: None sent with e-Record
- 20-Sep-2019 FILED: Reporter's Transcript - 04/17/2019 - Trial Day 7 (Diane Donoho)
- 20-Sep-2019 FILED: Reporter's Transcript - 07/26/2019 - Sentencing-AM (Diane Donoho)
- 20-Sep-2019 FILED: Reporter's Transcript - 04/05/2019 - Hearing-AM (Diane Donoho)
- 20-Sep-2019 FILED: Reporter's Transcript - 04/09/2019 - Trial Day 2 (Diane Donoho)
- 20-Sep-2019 FILED: Reporter's Transcript - 04/15/2019 - Trial Day 5 (Diane Donoho)

Court of Appeals, Division One**Criminal****1 CA-CR 19-0458****STATE v. BENITEZ****79 PROCEEDING ENTRIES**

11.	20-Sep-2019	FILED: Reporter's Transcript - 04/16/2019 - Trial Day 6 (Diane Donoho)
12.	23-Sep-2019	FILED: Motion for Extension of Time (to File Transcript) - (Patricia Kotarba)
13.	25-Sep-2019	ORDERED: Motion for Extension of Time (to File Transcript) - (Patricia Kotarba) = GRANTED. Due date EXTENDED from Friday, 10-04-2019 to Monday, 11-04-2019 for transcript dated 04/18/2019 or OSC set on 11/06/2019. Hon Kenton D Jones - Author
14.	2-Oct-2019	FILED: Motion for Extension of Time (to File Transcript) - (Nicole Buldis)
15.	3-Oct-2019	FILED: Reporter's Transcript - 05/31/2019 - Trial on Priors (Miguel Benitez)
16.	3-Oct-2019	ORDERED: Motion for Extension of Time (to File Transcript) - (Nicole Buldis) = GRANTED. Due date EXTENDED from Friday, 10-04-2019 to Monday, 11-04-2019 or OSC set on 11/06/2019. Hon Kenton D Jones - Author
17.	14-Oct-2019	FILED: Reporter's Transcript - 04/18/2019 - Jury Trial Day 8/Aggravation Phase (Patricia Kotarba)
18.	3-Nov-2019	FILED: Reporter's Transcript - 04/11/2019 - Jury Trial (Nicole Buldis)
19.	4-Nov-2019	FILED: Notice of Completion of Record
20.	12-Dec-2019	FILED: Motion to Supplement the Record on Appeal and Request to Extend Time to File the Opening Brief; Certificate of Service (Appellant)
21.	12-Dec-2019	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
22.	12-Dec-2019	FILED: Notice of Appearance; Certificate of Service (Appellant)
23.	18-Dec-2019	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order unsealing the Court Information Sheets, IOR 4 and 8, Jury List – Restricted If Filed After 1/1/2008, IOR 145, and the Restitution Ledger Request – Restricted, IOR 182, for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
24.	20-Dec-2019	ORDERED: Motion to Supplement the Record on Appeal (Appellant) = GRANTED. Ken Crenshaw and Court Reporters Karen Bolton, Jeanne Kappedal, Hope Yeager, Treva Colwell, Diane Donoho, and Linda C. Lopez transcripts due 02/03/2020. FURTHER ORDERED: Request to Extend Time to File the Opening Brief = GRANTED. Due date EXTENDED from Thursday, 12-19-2019 to Wednesday, 03-04-2020. Benjamin A Armstrong ProTem Judge - Author
25.	26-Dec-2019	FILED: Reporter's Transcript - 05/03/2019 - Status Conference - (Linda Lopez)
26.	6-Jan-2020	FILED: Reporter's Transcripts - 09/04/2018 - (Treva B. Colwell)
27.	17-Jan-2020	FILED: Reporter's Transcript - 05/03/2017 - Final Trial Management Conf. - AM - (Hope J Yeager)
28.	31-Jan-2020	FILED: Reporters Transcript - 04/08/2019 - (Diane Donoho)
29.	1-Feb-2020	FILED: Affidavit of Nonfiling of Transcript - (Karen Bolton)
30.	3-Feb-2020	FILED: Motion for Extension (Jeanne Kappedal)
31.	4-Feb-2020	ORDERED: Motion for Extension (Jeanne Kappedal) = GRANTED. Due Dates EXTENDED to 03/05/2020 for Transcripts dated 03/08/2017, 04/04/2017, 05/31/2017, 07/18/2017, 09/11/2017, 10/25/2017, 01/22/2018, 03/13/2018, 04/12/2018, 07/11/2018, 08/08/2018 or OSC set on 03/18/2020. Hon Kenton D Jones - Author
32.	12-Feb-2020	ORDERED: Vacating that portion of his[sic] court's order of 12/20/2019 directing court reporter Karen Bolton to prepare the transcript designated above. FURTHER ORDERED: Directing Ken Crenshaw to arrange for the preparation and filing of an original and two copies of the transcript designated above and to furnish one copy to appellant's counsel, one copy to appellee's counsel and the original to the Clerk of this Court no later than 03/30/2020, marked for filing in this court's case number 1 CA-CR 19-0458. FURTHER ORDERED: Extending the time to file the opening brief to/including 04/29/2020. Benjamin A Armstrong ProTem Judge - Author
33.	14-Feb-2020	FILED: Courtesy Copy – Maricopa County Superior Court Minute Entry dated 02/12/2020 Re: Correction Minute Entry
34.	19-Feb-2020	ORDERED: Ken Crenshaw transcripts dated 09/27/2016, 11/10/2016, 11/28/2016, 12/28/2017, 04/19/2018, 05/02/2018, 06/07/2018, 10/22/2018, 12/11/2018, 01/09/2019, 02/20/2019, 03/27/2019, 04/03/2019 EXTENDED to 03/19/2020 or OSC set on 04/01/2020. FURTHER ORDERED: Opening brief due date EXTENDED to/including 04/20/2020. Benjamin A Armstrong ProTem Judge - Author
35.	28-Feb-2020	FILED: Reporter's Transcript - 09/27/2016 - Not Guilty Arraignment (Janice Penfield/Antoinette Franks)
36.	28-Feb-2020	FILED: Reporter's Transcript - 11/10/2016 - Initial Pretrial Conference (Janice Penfield/Antoinette Franks)
37.	28-Feb-2020	FILED: Reporter's Transcript - 11/28/2016 - Status Conference (Janice Penfield/Antoinette Franks)

Court of Appeals, Division One**Criminal****1 CA-CR 19-0458****STATE v. BENITEZ****79 PROCEEDING ENTRIES**

38.	28-Feb-2020	FILED: Reporter's Transcript - 12/28/2017 - Initial Appearance Hearing on Bench Warrant (Janice Penfield/Antoinette Franks)
39.	28-Feb-2020	FILED: Reporter's Transcript - 04/19/2018 - Trial Continued/Reset (Janice Penfield/Antoinette Franks)
40.	28-Feb-2020	FILED: Reporter's Transcript - 05/02/2018 - Bench Warrant Issued (Janice Penfield/Antoinette Franks)
41.	28-Feb-2020	FILED: Reporter's Transcript - 06/07/2018 - Trial Setting (Janice Penfield/Antoinette Franks)
42.	28-Feb-2020	FILED: Reporter's Transcript - 10/22/2018 - Trial Continuance Past Last Day (Janice Penfield/Antoinette Franks)
43.	28-Feb-2020	FILED: Reporter's Transcript - 04/03/2019 - Trial Setting (Janice Penfield/Antoinette Franks)
44.	28-Feb-2020	FILED: Reporters Transcript - 12/11/2018 - Trial Continuance - (Janice Penfield)
45.	28-Feb-2020	FILED: Reporters Transcript - 01/09/2019 - Trial Continuance - (Janice Penfield)
46.	28-Feb-2020	FILED: Reporters Transcript - 02/20/2019 - Trial Continuance - (Janice Penfield)
47.	28-Feb-2020	FILED: Reporters Transcript - 04/03/2019 - Trial Setting - (Janice Penfield)
48.	29-Feb-2020	FILED: Reporters Transcript - 03/27/2019 - Trial Continuance - (Janice Penfield)
49.	5-Mar-2020	FILED: Reporters Transcript - 09/11/2017 - Status Conference - (Jeanne Kappedal)
50.	5-Mar-2020	FILED: Reporters Transcript - 04/12/2018 - Final Trial Management Conference - (Jeanne Kappedal)
51.	5-Mar-2020	FILED: Reporters Transcript - 03/13/2018 - Trial Continuance - (Jeanne Kappedal)
52.	5-Mar-2020	FILED: Reporters Transcript - 01/22/2018 - Status Conference - (Jeanne Kappedal)
53.	5-Mar-2020	FILED: Reporter's Transcript - 10/25/2017 - Status Conference - (Jeanne Kappedal)
54.	5-Mar-2020	FILED: Reporter's Transcript - 05/31/2017 - Status Conference - (Jeanne Kappedal)
55.	5-Mar-2020	FILED: Reporter's Transcript - 07/18/2017 - Status Conference - (Jeanne Kappedal)
56.	5-Mar-2020	FILED: Reporters Transcript - 04/04/2017 - Status Conference - (Jeanne Kappedal)
57.	5-Mar-2020	FILED: Reporter Transcript - 03/08/2017 - Status Conference - (Jeanne Kappedal)
58.	5-Mar-2020	FILED: Reporters Transcript - 07/11/2018 - Status Conference - (Jeanne Kappedal)
59.	5-Mar-2020	FILED: Reporters Transcript - 08/08/2018 - Status Conference - (Jeanne Kappedal)
60.	5-Mar-2020	ORDERED: Affirming the opening brief shall be filed by 04/29/2020. Benjamin A Armstrong ProTem Judge - Author
61.	6-Apr-2020	ORDERED: Ken Crenshaw transcript dated 01/19/2017 due by 05/06/2020 or OSC will be set. FURTHER ORDERED: Extending the time for filing the opening brief to/including 06/05/2020. Benjamin A Armstrong ProTem Judge - Author
62.	14-May-2020	ORDERED: Ken Crenshaw transcript dated 01/19/2017 due by 05/26/2020. FURTHER ORDERED: OSC set for 06/03/2020. FURTHER ORDERED: Opening brief due date EXTENDED to 06/25/2020. Benjamin A Armstrong ProTem Judge - Author
63.	22-May-2020	FILED: Reporters Transcripts - 01/19/2017 - Continuance (Stephen Zinone)
64.	1-Jun-2020	ORDERED: Vacating the order to show cause hearing set for 06/03/2020. Benjamin A Armstrong ProTem Judge - Author
65.	24-Jun-2020	FILED: Second Motion to Supplement the Record on Appeal; Certificate of Service; Appendix 1 (Appellant)
66.	25-Jun-2020	FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellant)
67.	26-Jun-2020	ORDERED: Second Motion to Supplement the Record on Appeal (Appellant) = GRANTED and supplementing the record with the documents (Maricopa County Superior Court Search Warrant Issuance Order and a Maricopa County Special Warrant Return Order). Benjamin A Armstrong ProTem Judge - Author
68.	1-Jul-2020	FILED: Notice of Appearance; Certificate of Service (Appellee)
69.	4-Aug-2020	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
70.	11-Aug-2020	FILED: Motion to Extend the Time to File the Reply Brief; Certificate of Service (Appellant)
71.	12-Aug-2020	ORDERED: Motion to Extend the Time to File the Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-24-2020 to Monday, 09-14-2020. Benjamin A Armstrong ProTem Judge - Author

Court of Appeals, Division One**Criminal****1 CA-CR 19-0458****STATE v. BENITEZ****79 PROCEEDING ENTRIES**

72.	8-Sep-2020	FILED: Motion for Supplemental Briefing Re: State V. Arevalo; Certificate of Service (Appellant)
73.	14-Sep-2020	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
74.	14-Sep-2020	FILED: Appellant's Reply Brief; Certification of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellant)
75.	15-Sep-2020	ORDERED: Motion for Supplemental Briefing Re: State V. Arevalo (Appellant) = GRANTED and permitting the parties to file simultaneous supplemental opening and answering briefs on/before 10/15/2020. The supplemental briefs may only address Arevalo and any application it may have to this appeal. FURTHER ORDERED: Extending the time for appellant to file a single reply brief that addresses the answering brief and/or the supplemental answering brief to 11/04/2020. Benjamin A Armstrong ProTem Judge - Author
76.	24-Sep-2020	FILED: Supplemented Superior Court e-Record with Revised Index of Record
77.	28-Sep-2020	CLNDR: CONFERENCE, Department B, 11-10-20, CONFERENCE ROOM.
78.	15-Oct-2020	FILED: Appellee's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
79.	15-Oct-2020	FILED: Appellant's Supplemental Brief; Certificate of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellant)